

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HOUSE BILL 2786

AN ACT

AMENDING SECTION 32-3201, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 32, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-3210; RELATING TO HEALTH PROFESSIONALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 32-3201, Arizona Revised Statutes, is amended to
3 read:

32-3201. Definitions

In this chapter, unless the context otherwise requires:

1. "Health profession regulatory board" means any board that regulates one or more health professionals in this state.

2. "Health professional" means a person who is certified or licensed pursuant to chapter 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19, 19.1, 21, 25, 28, 29, 33, 34, 35, 39, 41 or 42 of this title, title 36, chapter 4, article 6, title 36, chapter 6, article 7 or title 36, chapter 17.

3. "MEDICAL RECORD" HAS THE SAME MEANING PRESCRIBED IN SECTION 12-2291
BUT DOES NOT INCLUDE PRESCRIPTION ORDERS.

Sec. 2. Title 32, chapter 32, article 1, Arizona Revised Statutes, is amended by adding section 32-3210, to read:

32-3210. Medical records; protocol; unprofessional conduct; corrective action; exemption

A. A HEALTH PROFESSIONAL MUST PREPARE A WRITTEN PROTOCOL FOR THE SECURE STORAGE, TRANSFER AND ACCESS OF THE MEDICAL RECORDS OF THE HEALTH PROFESSIONAL'S PATIENTS. AT A MINIMUM THE PROTOCOL MUST SPECIFY:

1. THE PROCEDURE BY WHICH THE HEALTH PROFESSIONAL SHALL NOTIFY EACH PATIENT IN A TIMELY MANNER BEFORE THE HEALTH PROFESSIONAL TERMINATES OR SELLS THE HEALTH PROFESSIONAL'S PRACTICE IN ORDER TO INFORM THE PATIENT REGARDING THE FUTURE LOCATION OF THE PATIENT'S MEDICAL RECORDS AND HOW THE PATIENT CAN ACCESS THOSE RECORDS.

2. THE PROCEDURE BY WHICH THE HEALTH PROFESSIONAL MAY DISPOSE OF UNCLAIMED MEDICAL RECORDS AFTER A SPECIFIED PERIOD OF TIME AND AFTER THE HEALTH PROFESSIONAL HAS MADE GOOD FAITH EFFORTS TO CONTACT THE PATIENT.

3. HOW THE HEALTH PROFESSIONAL SHALL TIMELY RESPOND TO REQUESTS FROM PATIENTS FOR COPIES OF THEIR MEDICAL RECORDS OR TO ACCESS THEIR MEDICAL RECORDS.

B. THE PROTOCOL PRESCRIBED IN SUBSECTION A MUST COMPLY WITH THE RELEVANT REQUIREMENTS OF TITLE 12, CHAPTER 13, ARTICLE 7.1 REGARDING MEDICAL RECORDS.

C. A HEALTH PROFESSIONAL SHALL INDICATE COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION ON THE HEALTH PROFESSIONAL'S APPLICATION FOR RELICENSEURE IN A MANNER PRESCRIBED BY THE HEALTH PROFESSIONAL'S REGULATORY BOARD.

D. A HEALTH PROFESSIONAL WHO DOES NOT COMPLY WITH THIS SECTION COMMITS AN ACT OF UNPROFESSIONAL CONDUCT.

E. IN ADDITION TO TAKING DISCIPLINARY ACTION AGAINST A HEALTH PROFESSIONAL WHO DOES NOT COMPLY WITH THIS SECTION, THE HEALTH PROFESSIONAL'S REGULATORY BOARD MAY TAKE CORRECTIVE ACTION REGARDING THE PROPER STORAGE, TRANSFER AND ACCESS OF THE MEDICAL RECORDS OF THE HEALTH PROFESSIONAL'S

1 PATIENTS. FOR THE PURPOSES OF THIS SUBSECTION, CORRECTIVE ACTION DOES NOT
2 INCLUDE TAKING POSSESSION OR MANAGEMENT OF THE MEDICAL RECORDS.

3 F. FOR THE PURPOSES OF THIS SECTION, HEALTH PROFESSIONAL DOES NOT
4 INCLUDE A VETERINARIAN.

5 G. THIS SECTION DOES NOT APPLY TO A HEALTH PROFESSIONAL WHO IS
6 EMPLOYED BY A HEALTH CARE FACILITY THAT IS RESPONSIBLE FOR THE MAINTENANCE OF
7 THE MEDICAL RECORDS.